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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,794	12/07/2000	Dan C. Morgan	MB4315.001	2582

22798 7590 10/22/2003

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.  
P O BOX 458  
ALAMEDA, CA 94501

EXAMINER
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BALI, VIKKRAM

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/22/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/733,794

Applicant(s)

MORGAN, DAN C.

Examiner

Vikkram Bali

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

In response to the amendment filled on 4/14/2003, all the amendment have been entered and the action follows:

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "submitted and generated information" in line 1.

There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "originating computer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "said third party" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brogger et al (US 6309690).

With respect to claims 1-4 the rejection is maintained and incorporated with reference as set forth in the prior office action (paper # 6).

With respect to claim 5 as best understood, Brogger teaches the submitted and generated information is stored in the central computer, (see col. 5, line 48-51, storing of the signatures and the indicia's in the data base) as claimed.

With respect to claim 6, he further teaches, certificated of authenticity bearing a serialized hologram and said second identical serialized hologram for ...future time, (see figure 3, 77 and 76 and col. 5, lines 45-52) as claimed.

Claim 12 is rejected for the same reasons as set forth in the rejection of claim 6, because claim 12 is claiming similar subject matter as claimed in claim 6.

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Claims 7-11, 13-14 and 16-17 are rejected for the same reasons as set forth in the rejection of claims 3-6 and 12, because claims 7-11, 13-14 and 16-17 are claiming similar subject matter as claimed in claims 3-6 and 12.

Claims 15 and 18 are rejected for the same reasons as set forth in the rejection of claims 4 and 3, because claims 15 and 18 are claiming similar subject matter as claimed in claims 4 and 3 respectively.

Claims 19 and 20 are rejected for the same reasons as set forth in the rejection of claims 3 and 6, because claims 19 and 20 are claiming similar subject matter as claimed in claims 3 and 6 respectively.

With respect to claims 21-25, he further teaches, allowing signatures transport quickly, computer with the software that compares, a base ball as the collectable, and the originating computer is at the store, (see figure 2 numerical 1, see col. 5, lines 65 through col. 6, lines 15 and col. 9, line 60 through col. 10 line 10, it states that the system offers a verification of authenticating autographs and the comparison of the signatures, and this is done using the computers therefore, the software is required) as claimed.

Claims 26-28 and 29 are rejected for the same reasons as set forth in the rejection of claims 19-25 and 6, because claims 26-28 and 29 are claiming subject similar to the different combination of claims 19-25 and claim 6.

### ***Response to Arguments***

3. Applicant's arguments filed 4/14/2003 have been fully considered but they are not persuasive. Applicant argues that the reference fails to suggest and teach, "Computerize matching of signatures, with the stored signatures. Examiner disagrees and would like to point out that the limitations are given their broadest reasonable interpretation. In this case the reference discloses a system of labeling the baseball with the indicia's that could be a signatures, and also storing all the information of the unique indicia's and the signatures in to a data base (see col. 5, lines 45-65), and in lines 65 through line 15 of columns 5 and 6 he went further in detailing that the system can offer particular advantage for verifying or authenticating autographs on memorabilia, using the database of information. Also, in figure 2, the architect of the system shoes that the entire system is computerize and does include a modem i.e. the transmit ion of data is suggested. Therefore, one ordinary skilled in the art at the time of invention cam simply observe the suggestions of the reference and make a authentication system that use the computer to compare the signature on the baseball.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

Vikkram Bali  
Examiner  
Art Unit 2623

vb



**SAMIR AHMED**  
EXAMINER